

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

STEVEN ROSEMBERT	:	
	:	CIVIL ACTION
Plaintiff,	:	
	:	
v.	:	NO. 13-2826
	:	
BOROUGH OF EAST LANSDOWNE, <u>et al.</u>,	:	
	:	
Defendants.	:	

ORDER

AND NOW, this 9th day of April, 2014, upon consideration of “Defendant Borough of East Lansdowne’s Motion to Dismiss Plaintiff’s Complaint” (Doc. No. 14), “Defendants, Tina Selimis, Officer Albertoli, and Borough of Lansdowne’s Motion to Dismiss Plaintiff’s Amended Complaint Pursuant to Rule 12(b)(6) and Motion to Strike Plaintiff’s Amended Complaint Pursuant to Rule 12(f)” (Doc. No. 25), “Defendants’, Paul McGrenera and Jesse Hartnett’s, Motion to Dismiss Plaintiff’s First Amended Complaint” (Doc. No. 29), “Motion to Dismiss of Defendants, Borough of Yeadon and Officer Shawn Burns” (Doc. No. 33) and the responses thereto, and for the reasons stated in the accompanying memorandum opinion, it is hereby **ORDERED** that Defendants’ Motions to Dismiss are **GRANTED IN PART** and **DENIED IN PART** such that:

- All claims found in Count I of the amended complaint are **DISMISSED** with the exception of the Fourth Amendment excessive use of force claims against the Defendant Officers and Defendant Boroughs;
- Counts II, IV, VI, VIII, IX and X of the amended complaint are **DISMISSED** in their entirety;

- The claims brought against the Defendant Boroughs under Count VII are **DISMISSED**;
- All claims brought against the Defendant Officers in their official capacities are **DISMISSED**;
- Plaintiff's requests for declaratory and injunctive relief are **DISMISSED**;
- The phrase “in part, motivated by their greed to collect overtime and racist desires to convict an African-American man they knew was innocent of the charges” is **STRICKEN** from the amended complaint; and
- The motions are **DENIED** with respect to the following claims: the excessive use of force claims against the Defendant Officers and the Defendant Boroughs under Count I; the Monell claim under Count III; the assault and battery claims against Officers McGrenera and Burns under Count V; and the intentional infliction of emotional distress claims against the Defendant Officers under Count VII.

BY THE COURT:

/s/ Mitchell S. Goldberg

Mitchell S. Goldberg, J.